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BY ECF

Honorable Margo K. Brodie
United States District Judge
225 Cadman Plaza E.
Brooklyn, NY 11201

Re: *William Hernandez v. County of Nassau, et al.*, 17 CV 1646 (MKB) (ARL)

Your Honor:

Plaintiff in the above-referenced matter writes about what he believes to be an administrative matter. In its Memorandum and Order dated February 20, 2022, the Court (having dismissed plaintiff's *Monell* claim) dismissed the County of Nassau from this action and ordered that it be terminated as a party. As a matter of law, however, the County remains a defendant on the basis of *respondeat superior*. Plaintiff therefore respectfully requests that the Court administratively reinstate the County as a defendant.

Virtually every court that has considered the issue has stated unequivocally that if a municipality is a defendant (even if based only upon *respondeat superior*) then it goes without saying that the name of the municipality must be on all documents. *See, e.g., Adams v. City of New York*,¹ 993 F. Supp. 2d 306, 329 (E.D.N.Y. 2014) ("Defendants' argument is flatly rejected. Where, as here, the City of New York is a Defendant in the case, the City of New York will be listed on all documents and will be identified to the jury."); *Joseph v. Deluna*, No. 15-CV-5602, 2018 WL 5095668, at *3 (S.D.N.Y. Oct. 19, 2018) ("The motion to remove the City from the caption is DENIED because the City is a defendant in this action.").

Defendants, having considered plaintiff's position, take no position in this matter and respectfully leave determination of the issue to the Court.

¹ *Adams* was, as I am sure Your Honor is well aware, decided by this very Court, which is one reason that plaintiff believes this to be simply an administrative correction.

Accordingly, plaintiff respectfully requests that the Court administratively restore the County as a defendant.

Thank you for your consideration of this request.

Respectfully,

/s

Rose M. Weber (RW 0515)

cc: Ralph Reissman, Esq. (by ECF)